

USSN: 09/757,175
Atty. Docket No.: 10234/2
Amtd. dated July 30, 2003
Reply to Office Action of May 30, 2003

REMARKS

Claims 1-27 and 29-38 are all the claims pending in the application.

Applicants have made minor grammatical amendments to Claims 1, 8, 31, and 38, as suggested by the Examiner at Section No. 3 of the Action. It is believed that the Examiner's reference therein to Claim 2 was an oversight, as it does not appear to be possible to amend Claim 2 as suggested by the Examiner. No new matter has been added, and entry of the amendments to Claims 1, 8, 31, and 38 is respectfully requested.

Applicants note with appreciation the Examiner's acknowledgment at Section No. 4 of the Action regarding Applicants' election with traverse. Applicants also note with appreciation the Examiner's withdrawal of the §112 rejections.

The remaining prior art rejections, set forth at Section Nos. 5 and 6 of the Action, read as follows:

Claims 1-2 and 5-6 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent 4,965,123 to Swan, *et al.* ("Swan"); and

Claims 3-4, 7, 29-36, and 38 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Swan in view of U.S. Patent 4,741,950 to Liu, *et al.* ("Liu").

Applicants respectfully traverse.

At Section No. 5, page 3, of the Action, the Examiner states "that Swan expressly teaches that the film comprises a void-free, thermoplastic skin layer adhering to said second surface of said core layer (column 12, lines 10-18)."

The reference to column 12, lines 10-18 of Swan is actually a reference to Claims 2 and 3 of Swan. Swan's Claims 2 and 3 each depend (either directly or indirectly) from Claim 1. Claim 1 of Swan is directed to a film structure comprising a voided core layer and at least one voided skin layer. In fact, as confirmed throughout Swan, including Swan's "Summary of the Invention"

USSN: 09/757,175
Atty. Docket No.: 10234/2
Amdt. dated July 30, 2003
Reply to Office Action of May 30, 2003

section at column 2, lines 25-50, Swan's film structure necessarily requires a voided core layer and at least one voided skin layer. Therefore, the disclosure at column 12, lines 10-18 actually supports Applicants' position that Swan does not render obvious the claimed invention.

In this regard, each of the present claims recites that "either (i) each layer of said film is substantially free of voids or (ii) said core layer (a) is the only layer of the film that comprises a stratum of voids." Because Swan's film structure necessarily requires a voided core layer and at least one voided skin layer, Swan does not disclose or render obvious either element (i) or element (ii).

As explained in the Amendment filed May 2, 2003, the proposed modification to the prior art reference is not permitted to destroy the teaching of the prior art reference. Modifying Swan so that each of its layers is substantially free of voids or so that its core layer is the only layer comprising a stratum of voids would destroy the teaching of Swan. Swan necessarily requires the presence of both a voided core layer and at least one voided skin layer (column 2, lines 25-50, and column 11, line 51, through column 12, line 18). According to Swan, the objects of its invention can only be met where a film contains both a voided core layer and at least one voided skin layer.

The Examiner also refers to column 1, lines 45-49 ("... Swan also teaches that it is known art that it is possible to use an opacifying pigment alone, i.e., in the absence of light scattering voids"). The disclosure at column 1, lines 45-49 is actually a summary of U.S. Patent 4,377,616; it is not a description of Swan's invention.

More importantly, the disclosure at column 1, lines 45-49 does not disclose or render obvious the claimed invention. As clearly stated at column 1, line 44, the film of the '616 Patent contains a transparent, void-free skin layer. The first skin layer of the present invention, on the other hand, comprises a coloring agent.

Liu does not cure the deficiencies of Swan.

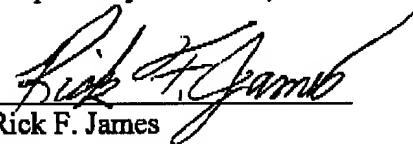
For the foregoing reasons, Applicants respectfully request that the Examiner reconsider and withdraw the remaining §103 rejections.

USSN: 09/757,175
Atty. Docket No.: 10234/2
Amdt. dated July 30, 2003
Reply to Office Action of May 30, 2003

OFFICIAL
FAX RECEIVED
JUL 31 2003
GROUP 1700

Reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, he is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,


Rick F. James
Registration No. 48,772

Date: July 30, 2003

Post Office Address (to which correspondence is to be sent)

ExxonMobil Chemical Company
Law Technology
P.O. Box 2149
Baytown, Texas 77522-2149
Telephone No. (281) 834-2438
Facsimile No. (281) 834-2911